

July 9, 2007

I. Call to Order/Roll Call/Opening Ceremonies

Vice Chairman Ted Teichert turned the gavel over to Liz Kochakian to call the Regular Meeting of the Board of Selectmen to order at 7:12 p.m. He announced he was doing this because Liz was retiring after taking minutes for the Board of Selectmen for thirty years and this being the last meeting she would be recording the minutes. Ms. Kochakian called the meeting to order at 7:02 p.m. Selectman Teichert thanked her for all the work she has put into the Town and on behalf of the Board and the Town Manager presented her a beautiful arrangement of flowers. He said she would be missed. Ms. Kochakian said she would also miss the Board as she has truly enjoyed working for them and the Town Manager and really appreciated this kind gesture. Selectman Vispoli also thanked Liz for the excellent job she did with the minutes as well as Selectman Lyman, who said she appreciated every word she typed. Roll call was taken and Selectmen Vispoli, Lyman, Stabile, and Teichert were present. Absent was the Chairman, Brian Major. Also present was Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the pledge of allegiance. This meeting was duly posted and cablecast live.

II. Communications/Announcements/Liaison Reports

Town Manager Stapczynski:

- The 3rd and 4th of July program went off very well. He thanked Gerry Silverman in his fundraising efforts and for making the fireworks on the 3rd very successful. He said that everyone enjoyed it. He thanked the DCS, Selectmen, and former Selectmen and School Committee members for helping with the pancake breakfast. It was a wonderful day; they had a record setting crowd and it was financially profitable.
- He reminded that starting on this Wednesday, July 11, and for 7 weeks, the summer family music festival band concerts, Summer in The Park, will begin from 6:00 to 8:00 p.m.
- Received word that the Finance Committee has three reappointments; Sheila Doherty, the Town Moderator has reappointed Mark Merritt, Mary O'Donoghue and Jon Stumpf to the Finance Committee for a three year term.
- Lisa Schwarz, Senior Planner, asked the Manager to announce that there is an affordable housing unit up for sale at 16 Bryant Lane, in the Abbott Pond Condominium development. People interested should contact Lisa Schwarz.
- The Manager said they will be having a meeting on the 23 of July when they are going to have the Verizon folks before them because they have another listing of streets they will be constructing the underground cable on.

Selectman Gerald Stabile:

- Announced that tomorrow night's Preservation Committee Meeting posted for 6:00 p.m. will actually begin at 6:30 p.m.

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II. **Communications/Announcements/Liaison Reports (Cont.)**

Selectman Alex Vispoli:

- Selectman Vispoli echoed the Manager's comments on the 4th of July. He said it was a great job and that there was a record number in attendance.

III. **Citizens Petitions and Presentations**

A. Mary Hanlon Carbone, 3 Cyr Circle

Mary Carbone appeared before the Board and addressed an issue which she has spoken to the Town Manager about that has to do with the guard rails on Lincoln Street. She said they are in deplorable condition. She has also spoken to Jack Petkus, Robert Cronin and the developer on the development on Bowdoin Rd. It was her thought that they could replace that guardrail with a fieldstone wall. It is in a residential area and one side of the road has the length of the guardrail where it ends at Cyr Circle. On the left side it has a straight guardrail that doesn't turn in at all. She recommended that either the left side be eliminated or the right side addressed in good fashion. She said she felt historically there was a wall there. Ms. Carbone said she has spoken to the various entities and in addition to the developer who has said he would donate the stone. She said she would prefer to have elected officials and individuals involved with this to come to a conclusion basically because they do a lot of private public issues in town. She said she thought this would be better then replacing it with another guardrail. She thanked the Board for listening.

Selectman Lyman said the Board received a letter in their packet with concern about a stone wall as well with a development in Shawsheen. She requested a follow up of the letter to see if the developer can work on that stone wall, reaching a faster resolution.

B. John A. Pasqualie, 47B Whittier Street

Mr. Pasqualie commented on two things. The first that he had attended the last Selectmen's meeting, when the Board had a discussion about a survey, as to the cost, etc. He felt it was a good way to find out how they are doing. There was no press in the room for the discussion yet when he read The Eagle Tribune, quoted on front page was the following: "Town to conduct a survey to determine if a tax increase was needed." Mr. Pasqualie said he didn't remember anyone saying anything about a tax increase. Selectman Stabile said that the article did mention that it was a School Committee survey generated on their web site. The Board agreed it was confusing.

Second, Mr. Pasquale said he put a statement out at a recent meeting relative to legal fees and used the number of \$300,000 being paid to counsel. The Manager had said that was not correct. He said he was concerned about what they are doing with the legal people especially after watching two of the following meetings recently.

III. **Citizens Petitions and Presentations (Cont.)**

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The first had to do with the Senior Center and with the issue of a public vs. private contract. In listening to what was being said, he wondered if the lawyers were defending the citizens or their law office from their answers. They left it up to the Selectmen to make a judgment. The second one was the discussion on the Main Street newspaper racks. He got the feeling the Main Street Committee had the lawyers here doing all the talking and could not give Selectmen Vispoli an answer to a question he asked. What concerned him was that in the FY-08 budget, the legal budget went up another \$50,000 to \$400,000 and the School Department dropped from \$200,000 to \$150,000 for legal fees. In essence, he said the town is spending up to a half million dollars for legal fees and he felt it was about time the Board of Selectmen have a discussion on this. Mr. Pasqualie said it is not unjustified to seek out what they are getting for their pay. Under the law, he said he would like to get a list of all of the outstanding legal cases and asked who would give him that information. He was told to contact the Manager's office.

Selectman Stabile said one of the things they talked about at the last meeting was setting objectives and having measurable performances with town counsel as well and they will be looking at how many outstanding actions they have. At this point he didn't think that exists and they are concerned about it. Selectman Lyman added that the legal fee budget was increased because they are about to begin negotiations again and she requested for more labor counsel assistance with the process. Selectman Vispoli said when Mr. Pasqualie asked the \$300,000 in legal fees' question, the Manager meant that was not all going to town counsel but for all legal matters for the Town.

IV. Public Hearings

A. Andover Country Club

As per Chapter 138 of the Massachusetts General Laws, as amended, a public hearing was held to discuss the application of the Andover Country Club, Inc., d/b/a Andover Country Club, 60 Canterbury Street, Andover, holding an Innholder All-Alcoholic Beverage License, for an alternation to their premises.

The application has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the new amended license.

Atty. Phillip Sullivan, representing Andover Country Club, Inc., appeared before the Board. He said that during the past winter the Andover Country Club first floor was renovated so open patios where liquor licenses existed were enclosed to be part of the function rooms. The reason they were here was to redescribe those rooms as function rooms rather than patios. Town Clerk Hanson told the Board that when they describe their premises on a liquor license that is all they can use. If there are any changes or expansion, it has to come back to the Board and then go to the ABC. This is the first step.

IV. Public Hearings (Cont.)

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A. Andover Country Club (Cont.)

After all discussion, the public hearing was ordered closed. It was moved by Selectman Lyman that the Board approve the above request for the Andover Country Club. The motion was seconded by Selectman Vispoli, voted and approved 4-0.

B. National Grid

The Board held a public hearing to hear the request of National Grid for permission to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the following public ways:

- Elm Street at Elm Square and High Street – approximate location shown on Plan #2011575-B-Revised, dated 5/8/07.
- Main Street at #10, #23, North Main Street and Memorial Hall Library – approximate location shown on Plan #2011575-B-Revised, dated 5/8/07.

The requests have been reviewed and approved by the Department of Public Works subject to the condition that a Street Opening Permit is obtained from the DPW prior to the commencement of any construction.

David Boucher representing National Grid appeared before the Board to speak on the two separate petitions. On the Elm Street petition, he said there are two locations where he would like to place new hand holes in the sidewalk. In doing this, they will replace obsolete material in the manholes with electronic material replacing the manual way of changing their systems. Secondly, it will enable them to get their repair trucks off the road onto a parking lot to do their work as opposed to parking a truck on the street blocking traffic. The Main Street request is the same request, to place hand holes, 4'x4'x 5' on the sidewalks to enable them to update their equipment for better reliability. In answer to Selectman Stabile, Mr. Boucher said they will to the best of their ability get the sidewalks back to the way they were. The Manager said he was concerned with the esthetics of this request and felt they needed to have more discussion on this especially since the Main Street project was soon to begin. He felt they needed to look for some other kind of alternative to placing the hand holes on the sidewalks.

It was moved by Selectman Lyman to continue this hearing to the August 6th meeting of the Board of Selectmen at 7:30 p.m. so they can get more information. The motion was seconded by Selectman Vispoli.

After all discussion, the motion was voted and approved 4-0.

V. **Regular Business of the Board**

A. Order of Taking for 16 Pearson Street

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It was moved by Selectman Vispoli that the Board votes to adopt an Order of Taking for 16 Pearson Street and to accept and sign the deed for said property as authorized by Warrant Article #3 of the Special Town Meeting held on April 24, 2007. The motion was seconded by Selectman Lyman.

Carol Hajjar McGravey, the attorney from Tom Urbelis' firm handling the acquisition of the Pearson Street parcels as well the parcel on Blanchard Street, was present to answer questions.

After all discussion, the motion was voted and approved 4-0.

Chairman Major joined the meeting at this time and assumed the Chairmanship.

B. Discussion of the National Citizens Survey Program

The Board continued discussion on the National Citizens Survey program. The Manager said the Selectmen received in their packets on Friday a follow up memo from Steven Bucuzzo, Assistant Town Manager, with more details on the plusses and minuses to the survey done three years ago and addressing some of the questions the Board had about the survey and how it was used, who used it, the nature of it, the results, and what they did with it. The Manager said they are proposing a follow up to that survey and are looking for the Selectmen's approval and/or direction on how to conduct the follow up survey.

Selectman Vispoli thanked Steve Bucuzzo for some of the clarifications. He said the report was a good background on some of the points that were good to bring up as far as the intent of doing the survey and some of the frequently asked questions that the company that did it included. He said he has no issue with the concept of a survey; his question was more of methodology, relevance and usability for the Manager and this Board and how they can get the best survey. If they go along that route, he felt they should probably do something on a consistent basis so they can track relevant topics to Andover and measure themselves quantitatively. In doing some research and talking to the Company that did the survey, he learned that they did one town in Massachusetts and that was Andover; the majority of the surveys were in California, Florida, Texas, Minnesota, Arizona, Washington, West Virginia and Illinois. He said they are a qualified organization but their survey was not gauging against towns in New England. Although their methodology was sound, he recommended that they explore other options, i.e., other survey organizations that do this. He felt a lot of the questions asked in the survey done a few years ago were a lot of census data and only one question on the public schools. Selectman Vispoli said the School Committee is conducting a pilot survey now and that maybe there will be an opportunity to develop a survey with both Boards. He noted that the Vision 21 Committee didn't use this survey to do anything with their study.

V. Regular Business of the Board (Cont.)

B. Discussion of the National Citizens Survey Program (Cont.)

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They did submit a couple of questions after they presented their final report to the Board. He said he would like to see if there are any other options before they sign on this one.

Selectman Teichert agreed with a lot of what Selectman Vispoli just said and wondered if there was anything else they can do to determine if \$ 8,000 was or was not a lot of money for a survey; how they can measure all the things they got out of that; and, what they do with things. He wondered how frequently they should do this, maybe five or more years apart.

Selectman Lyman said she liked the survey format and felt they should do it every two years. She would like to see if their responses are changing. She understood it was hard to quantify and in some respect she didn't need to quantify their feelings. If this is how they feel that is what she wants to deal with. She wants to make sure it gets done.

Selectman Stabile agreed they should do something on the current basis. He felt that survey was somewhat limited in terms of what they can do with it because of the detail and level of information they got out of it. He thought there were alternative ways to spend less money, get better information and ways to extract feedback from the residents if one thought through the process. He said he had no problem doing another survey if it comes out with the best way to serve their needs.

Mr. Pasqualie made a suggestion that they ask a couple of Andover High School seniors or Merrimack College students to do a survey for a project and the Board can draft their own questions. He didn't think it would cost \$8,000 to get all the information from an intern or good product from the high school that they can continue, put it on the computer. In answer to Selectman Major's question, he was told that they used U.S. Postal Service data, on the basis of all residential addresses in Andover, and randomly selected 12,000 residents to send the survey to. The last time they received a 53% return on the survey which was an unprecedented return. Selectman Lyman said the School Committee's questions are very pointed and was concerned that if they develop their own survey they would wind up with the same problems. Selectman Vispoli asked if they can see what options are out there. The Town Manager said they can, but the issue is with that it takes time.

Selectman Major said in order for it to be valuable, they need to really get going with it as soon as approval is given. If they wait for students, they will be close to town meeting before they get results. They could look at this and move forward with this and get round 2 of this one and then simultaneously could talk to the Marketing Department at Merrimack College to see if they have interest in doing something like this with the town. He said it takes a lot of time to put together a big survey.

V. Regular Business of the Board (Cont.)

C. Discussion of the National Citizens Survey Program (Cont.)

Selectman Vispoli said he would rather do it right and on a regular basis but would like to

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see if there is another company out there that does this. When asked Mr. Bucuzzo explained how this group was selected. He said they can do the survey in house, but the time line and objectivity was a critical factor. Biggest value having this company do this it is very hands off. You can't read into those results other than what they are. If the Board or Town wants to ask a specific question on a timely basis, they can put out an online survey.

Mary Carbone remembered the previous study that was done. She felt if they are going to do a study, to do it by somebody or a company that would be unrelated to the community and in the business of doing this type of thing. Mr. Pasqualie suggested they contact the Mass. Selectman Association and Mass. Town Administration Association and find out if they have any surveys they can send out to them and ask what they do in the community.

It was moved by Selectman Vispoli that the Board explore some more options before they decide what to do on this and by August 6, 2007. The motion was seconded by Selectman Teichert.

Selectman Stabile said if they thought through this a little more whether it be this company or another company this would be a good way to rate departments. The survey does cover functional areas and if there was a goal standard or objective to meet, this is real data and objective data that could be added to the process. He felt they needed to have more dialog before they say they are not going to do the same study again. Chairman Major said if they vote to move forward with the study, they would try to figure out what questions would be beneficial to the town. Selectman Vispoli felt they should find out what are the best practices for other towns in the commonwealth. Mr. Bucuzzo said it would be helpful to him to work with a subcommittee of the Board to come up with a proposal to bring back to the Selectmen.

Chairman Major said he believed on this issue that they are at 90% level and can move along. They have done the due diligence to look at the different survey companies out there. H felt this was a good company and they did a great job the last time, it was very independent and got them superb results as far as response rate unheard of in the industry. Personally, he said he was ready to move forward with this group but if the majority of the Board wanted to look, they should be very specific as to exactly what they are asking for.

Selectman Vispoli made a friendly amendment to the motion that they form a subcommittee to work with Steve Bucuzzo on this to give some direction. Selectman Stabile seconded the amendment.

V. Regular Business of the Board (Cont.)

D. Discussion of the National Citizens Survey Program (Cont.)

Selectmen Vispoli and Stabile volunteered to sit on the subcommittee. The motion as amended was voted and passed 4-1 (Chairman Major against).

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C. Town Clerk to Discuss 2008 Annual Town Meeting Calendar

The Board discussed the 2008 Annual Town Meeting Calendar and the recommendation of the Town Clerk that Town Meeting be held on Wednesday, April 3 and Thursday, May 1 at the Collins Field House and then Monday May 5 and May 6th if necessary at the Collins Center. The first night of town meeting would be two days after school vacation. She said that the Town Moderator Sheila Doherty agreed with this.

After discussion, it was moved by Selectman Teichert and seconded by Selectman Vispoli that the Board approve the 2008 Annual Town Meeting calendar as presented by the Town Clerk. The motion was voted and approved 5-0.

VI. **Approval of Consent Agenda Items**

A. Appointments and Re-appointments

It was moved by Selectman Stabile that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
ELDER SERVICES			
Karen A. Payne-Taylor	Asst. Program Coordinator – PT (v. B. Graycar)	IE-12-4	7/10/07
PLANT & FACILITIES DEPARTMENT – Building Maintenance Division			
Wayne P. Young	Jr. Custodian – PT (v. M. Raymond)	W1-1	7/9/07
YOUTH SERVICES			
Hannah M. Jeton	Counselor II – PT	C3B	6/25/07
Stephanie A. Wong	Supervisor I – PT	C4B	6/25/07
Jamey J. Grieco	Asst. Program Coordinator – PT	C5C	6/25/07
Avery S. MacKenzie	Counselor – PT	C3B	6/25/07
Alex E. Cole	Counselor II – PT	C3B	6/25/07

VI. **Approval of Consent Agenda Items (Cont.)**

A. Appointments and Re-appointments (Cont.)

DEPARTMENT	POSITION	RATE	EFF. DATE
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COMMUNITY SERVICES

Jillian M. Caraviello	Counselor – PT	C2A	6/25/07
Steven W. Farquhar	Theater Tech Director – PT	***	5/14/07
Kristina L. Black	Program Instructor – PT	C2A	6/25/07
Jennifer M. Griffin	Program Director – PT	***	6/25/07
Stacy A. Saba	Program Instructor – PT	C2A	6/25/07
Katherine J. Stewart	Counselor – PT	C4A	6/19/07
Hillary A. Samuels	Counselor – PT	C2A	6/21/07
Alexa L. Moccia	Lifeguard – PT	C3A	6/20/07
Jessica B. Kildahl	Lifeguard – PT	C3A	6/20/07

*** Varies with course/program

TOWN CLERK

Ruth N. Shapiro	Pollworker – PT	\$8.00/hr.	6/22/07
Doris A. Rogers	Pollworker – PT	\$8.00/hr.	6/22/07

AUDIT COMMITTEE

Steven G. Caron – Term expires 6/30/08
Robert E. Finneran – Term expires 6/30/09
Steven S. Sintros – Term expires 6/30/09
Paul C. Dow – Term expires 6/30/10

TOWN YARD TASK FORCE – Terms to expire 6/30/08

Mary Jane Bausemer
Michael R. Harkins
Hooks K. Johnston, Jr.
Paul Materazzo, Planning Director
Joseph R. Piantedosi, Plant & Facilities Director
Jack Petkus, Public Works Director

The motion was seconded by Selectman Vispoli. After discussion, the motion was voted and approved 5-0.

VI. Approval of Consent Agenda Items (Cont.)

B. Hike for Hope

It was moved by Selectman Lyman that the Board grant permission to Roger Desjardins, on behalf of the Hike for Hope Committee, to conduct the 7th Annual Lazarus House “Hike for Hope” 5-mile walk through the streets of Andover on Sunday, September 30, 2007 beginning at 1:00 P.M. at Merrimack College. Arrangements have been reviewed and approved with conditions

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by the Police Department.

The motion was seconded by Selectman Vispoli. After a discussion, the motion was voted and approved 5-0.

VII. Approval of Minutes from Previous Meetings

It was moved by Selectman Vispoli that the Board approve the minutes of the June 20, 2007 Tri-Board Meeting. The motion was seconded by Selectman Lyman, voted and approved 5-0.

It was moved by Selectman Vispoli that the Board approve the minutes of the June 25, 2007 Regular Meeting. The motion was seconded by Selectman Lyman.

Mary Carbone said that she attended the meeting on June 25, 2007 and wanted to relate to an issue that took place that evening. She said she was a little taken back by a comment made that had to do with an ethnic issue. She did not feel there was any place at public meetings for ethnic issues. It was probably done in a joking way but it didn't come across to well. She said she just wanted to make her feelings known about that because it involved her.

The motion was voted and approved 5-0.

Mr. Pasqualie, as a follow up to Ms. Carbone's statement, said he received a phone call from Ms. Carbone to which she expressed her concern. He apologized to her if he offended her.

VIII. Work Session

A. Goal Planning for FY-08

Chairman Major opened a Work Session to talk about Goal Planning for FY-08. This would be the 2nd of that series. Selectman Vispoli had summarized the goals for the Board that were discussed in the first session and put the goals in categories. A copy of which was passed out to the Board and the audience. Chairman Major said he wanted to make sure everyone understood each of the goals they had spoken to last week and to rank them in order. One option to do that is the \$100 test method for prioritization; you can split up your \$100 in any way you want.

VIII. Work Session (Cont.)

B. Goal Planning for FY-08 (Cont.)

Chairman Major thanked Selectman Vispoli for typing this up for them. They discussed each draft goal in detail and defined the following number of very specific SMART based goals:

1. Improve inbound/outbound information flow communications with residents.
 - o Improve Town's Phone Tree System to make it more user friendly.

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- Involve Department Heads to improve communications; Departments should be more assessable and responsible.
- Every goal should be measurable.
- Updates from local politicians on the web
- 2. Town and School Technology/Master Plan
 - Define areas of improvement leading to cost savings and improve productivity.
 - Town wide technology assessment.
- 3. I-93 Lowell Junction Interchange Project
 - Agreement of ramp system configuration with Towns of Tewksbury, Reading and Andover.
 - Get the optimal solution for Andover or no solution.
- 4. Town Yard Future
 - Clear recommendation for direction by 6/30/08
 - Understanding of direction by 12/30/08.
- 5. 3 year financial plan
 - Budget FY09
 - Settle Labor Contracts
 - Staffing Utilization
 - Legal Fees
 - Staffing Utilization
- 6. Youth Center
- 7. Energy Savings and Asset Review
 - Meet with the School Committee to go over shared areas.
 - Discuss Andover Townhouse and Old Town Hall.
 - Did we meet the FY08 goal for energy costs?

VIII. Work Session (Cont.)

C. Goal Planning for FY-08 (Cont.)

8. Town Manager/Town Accountant's Review

Selectman Vispoli said he will type these up and distribute them to the Board. The goals will be categorized with the \$100 everyone has to spend. On each category, one can put a dollar figure not to be more then \$100 for the eight categories and the amounts will be tallied.

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IX. Adjournment – 9:42 P.M.

Before adjourning, Chairman Major called for one more action from the Board of Selectmen and the Town Manager. He told Liz Kochakian that the Selectmen had presented her with beautiful flowers at the beginning of this meeting but they also wanted to present her with a gift. He said that over the many years Buzz and the Board members have spent working with her has been a complete honor. The work she put into the minutes all the time and the detail she got into, he didn't know if their lives will be different. He thanked her very much and presented her with the gift. Ms. Kochakian thanked the Board very much and she was asked to close the meeting. With no further business for the Board, it was moved by Selectman Lyman that the Board close the Regular Meeting of the Board at 9:42 p.m. The motion was seconded by Selectman Vispoli, voted and approved 5-0.

Elizabeth A. Kochakian
Recording Secretary